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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3556 OF 2006

Santosh Chandrakant Mungekar .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.A.S.Khandeparkar i/b. Khandeparkar &
Associates for applicant
Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 18th October 2006

P.C.

. The applicant has been arrested in connection with C.R.No.12 of 2006 registered with

Malvan Police station. The offences alleged are punishable under sections 302, 341, 504 of I.P.C. The applicant has been arrested on 1st March 2006 and his application for bail after the charge sheet was filed has been rejected by the trial court on the ground that there was an ongoing dispute between the deceased and the applicant. Deceased resides on the first floor whereas the applicant resides on ground floor of the same house and private complaints are also pending in the same court along with civil disputes. The statement of the two eye witnesses Bhikaji and Prakash have been relied upon and it is the prima facie observation of the learned Judge that the applicant had caused the death of deceased by pushing him down the river bed when he was struggling to come out.

2. The complainant objected to the grant of bail because she is a lady and in her individual capacity, she fears that the applicant would cause harm to her after release.

3. From a perusal of the order passed by the trial court, it appears that the bail was denied largely influenced by the fact of applicant and deceased residing in the same village and in the same house. Bail is also denied because of disputes between family of the deceased and the applicant herein. In such circumstances, I enquired from both sides as to whether stringent conditions being imposed, the applicant can be granted bail or not. Mr.Khandeparkar after taking instructions makes a statement that applicant upon release is willing to reside outside Malvan taluka and will not enter the same except for attending court cases till the conclusion of the trial. Learned A.P.P. after taking instructions from the I.O. who is present in court has no objection to bail being granted with such conditions. Hence, following order:-

i) The applicant arrested in connection with C.R.No.12 of 2006

registered with Malvan Police Station shall be enlarged in the sum of Rs.10,000/- with one or two local sureties in the like amount. The applicant shall not enter limits of Malvan Taluka, except for attending court case on the relevant date.

ii) The bail is granted subject to condition that the applicant will remain present before the Kudal Police Station, once a week on every Friday between 5.00 p.m. and 7.00 p.m. till conclusion of the trial.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter

till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of

trial.

vii) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J)